UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,682	01/18/2002	Robert Vincent Cox	016295.0745 (DC-03247)	1169

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EXAMINER
AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/051,682	COX ET AL.
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 June 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02 June 2006</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20061128

DETAILED ACTION

1.   This application has been assigned to a new examiner. Updated contact

information can be found below under the Conclusion heading.

2.   Claims 1-21 remain pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Moshir

et al. (US 2002/0100036), hereinafter referred to as Moshir.

5.   Regarding claim 14, Moshir discloses an information handling system for

validating a network configuration, the information handling system (update server 528)

comprising:

        a computer-usable medium (par. 124 describing the survey information being

stored at the update server);

        a predefined set of valid device attributes stored in the computer-usable medium

(pars. 124 and 126 recommended configuration as "valid device attributes");

        a network interface in communication with a network of devices (par. 54);

processing resources in communication with the network interface and the

computer-usable medium (par. 54 update server inherently teaches a

processor/processing resource), wherein the processing resources perform operations

comprising:

receiving user input requesting a validation process (pars. 125-126);

in response to the user input, automatically communicating with the devices via

the network interface to discover attributes of the devices (pars. 125-126 and 167

administrator designates a group of machines);

automatically comparing tie discovered attributes with the predefined set of valid

device attributes (pars. 82-82, 124 and 126 evaluator at update server comparing

current configuration/discovered attributes with recommended configuration/valid device

attributes; claim 1 gathering and comparing steps);

generating output data that indicates whether the discovered attributes match the

valid device attributes (par. 127 proposed update list as "output data").

6.   Regarding claim 15, Moshir further teaches a system wherein the processing

resources generate output data that identifies an invalid attribute among the discovered

attributes and a corresponding valid attribute from the predefined set of valid device

attributes (par. 88 report indicating the computers needing the patch and the computers

that can't receive the patch until ... software is upgraded). ,

7.   Regarding claim 16, Moshir further teaches a system wherein the predefined set

of valid device attributes specifies valid software versions and the discovered attributes

are software versions (par. 53, particularly lines 4-6). Moshir therefore teaches a system

wherein the predefines set of valid device attributes; the processing resources automatically discover version information for software in one or more of the devices; and the processing resources automatically compare the discovered version information with the valid software versions (par. 124 & 126).

8.   Regarding claim 17, Moshir further teaches wherein the software in at least one of the one or more devices comprises firmware, and the processing resources automatically determine whether the firmware has a valid version (par. 126).

9.   Regarding claim 18, Moshir further teaches wherein: the processing resources automatically identify a device type for at least one of the devices; the processing resources dynamically load a validation module based on the identified device type; and the processing resources automatically use the validation module to poll the at least one device (par. 126-128).

10.   Regarding claim 19, Moshir further teaches further comprising: a file that uses a markup language to encode the valid device attributes, wherein the processing resources automatically determine the valid device attributes by reference to the file with the valid device attributes (par. 189).

11.   Regarding claim 20, Moshir further teaches wherein: the file with the valid device attributes comprises an extensible markup language (XML) file; the information handling system further comprises a document type definition (DTD) file that contains definitions of data elements for validating the network; and the processing resources automatically determine the valid device attributes by using the DTD file to parse the XML file (par.189, 314-331). As to claim 21, Moshir further teaches wherein the processing

resources comprise: one or more processors; and software which, when executed by

the one or more processors, cause the one or more processors to perform the

operations of receiving user input, automatically communicating with the devices,

automatically comparing the discovered attributes with the predefined set of valid device

attributes, and generating output data (par. 48).

12.   Regarding claims 1- 7, they are method claims corresponding to apparatus

claims 14- 21 and are rejected for the same reasons.

13.   Regarding claims 8- 13, they are computer program product claims

corresponding to apparatus claims 14- 21 and are rejected for the same reasons.

Response to Arguments

14.   Applicant's arguments filed 02 June 2006 have been fully considered but they are

not persuasive. Applicant argues that Moshir fails to disclose, teach or suggest the

"predefined set of valid device attributes for use in the validation of network devices" as

recited in claims 1, 8 and 14. Examiner respectfully disagrees. Moshir teaches the

validation of network devices for examply by use of a discovery agent. The discovery

agent retrieves information about network devices including what hardware and

software may be on the network devices (see page 2, paragraph 0023). This collected

information is then compared to current patches (software updates) available and

network devices are deemed valid if they are considered up to date. A network device

is deemed invalid if they are in need of updating (see page 2, paragraphs 0024-0026).

The software updates available are deemed within the scope of applicants' claimed

"pre-defined set of valid device attributes". Therefore Moshir does teach within the scope of the current claims and the claims are not deemed patentable over the prior art.

Conclusion

15.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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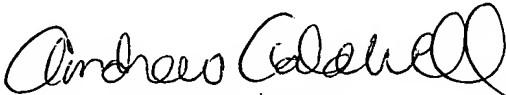
ANDREW CALDWELL
PRIMARY PATENT EXAMINER